

### REMARKS

Reconsideration of the original claims and consideration of the new claims are respectfully requested. Original claims 1-17 claims have not been altered. New claims 18-24 are presented for the first time. Claims 1, 2, 14, 16, 18, 21 and 22 are the only independent claims in the application.

The art newly cited with this application is not believed to be relevant to original claims 1-17. Claims 1-13 require locking means and engaging tabs which are absent from the newly cited art. Claims 14-15 require locking means and a lug with tabs which are absent from the newly cited art. Claims 16-17 require locking means and engaging tabs which are absent from the newly cited art.

New claims 18-20 are directed to a front panel assembly for a merchandising display track device. The track is adapted to receive a row of articles for sliding movement therealong. The front panel assembly includes a base with first and second vertical members upstanding therefrom. An elongate connecting member has one end connected to the top end portion of the first vertical member and has its other end connected to the top end portion of the second vertical member. The connecting member curves outwardly away from the vertical members. Means are provided for detachably attaching the first and second vertical members to the track device.

New claims 22-24 are similar to claims 18-20 but the front panel assembly has three vertical members and two elongate connecting members for two rows of articles. Means are provided for detachably attaching the front panel assembly to the track device.

New claim 21 recites a track base and a floor deck instead of a base. Means are provided for detachably attaching the floor deck to the track base.

Support for the new claims exists in drawings, particularly Figures 1-3, 6-10 and 14, and throughout the specification, particularly the following:

<u>Column</u>	<u>Lines</u>
4	45-47, 64-67
5	1-2, 8-25, 57-67
6	14-33, 61-67
7	1-20

U.S. Patent No. 6,189,734 B1 which issued 02/02/01 Apps et al. discloses a gravity feed dispensing device with a basket 60. The track device holds bottles by the neck and the basket 60 hangs downwardly from the track. This differs from the present invention which requires that the articles slide along the track and front piece and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 6,142,316 which issued 11/07/00 to Harbour et al. discloses a track device with upstanding guide members or sidewalls 18 attached to a floor 26. An arcuate front wall member 22 connects the top portions of the sidewalls. According to column 9 lines 9-15, the guide members or sidewalls 18 are preferably integrally formed with the module 16 although other suitable means may be used to attach the guide members 18 to both the floor 26 as well as to upright posts or reinforcing members 28. Harbour et al. are silent on the other suitable means, but sonic welding techniques are well known, as well as permanent adhesives, which yield a one-piece unit. Harbour et al. teach away from the present invention which is directed to a multiple-piece track device with a detachable front piece.

U.S. Patent No. 5,971,204 which issued 10/26/99 to Apps discloses a bottle dispenser with a basket 16 for displaying bottles. The basket 16 has opposing flanges 38

for engagement along the peripheral edge 40 of the second aperture 34 of the housing 12. App's lacks an elongate connecting member as required by the claims.

U.S. Patent No. 5,862,923 which issued 01/26/99 to Nordquist et al. discloses a shelf device with a bracket 56 to stop forward motion of products 58, 60. Nordquist et al. lack an elongate connecting member as required by the claims.

U.S. Patent No. 5,788,091 which issued 08/04/98 to Robertson et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,685,664 which issued 11/11/97 to Parham et al. discloses a gravity feed dispensing device that holds bottles by the neck. This differs from the present invention which requires that the articles slide along the track and that the vertical members of the front piece extend upwardly.

U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay discloses an elongate channel of an integral, one-piece unitary construction formed in a single plastic molding operation. Jay teaches away from the present invention which is directed to a multiple-piece tack device.

U.S. Patent No. 4,205,763 which issued 06/03/80 to Merl discloses a dispenser 10 having a storage compartment 14 and a dispenser portion 20. The dispenser portion 20 has a horizontal platform 22 upon which containers drop and rest. The dispenser portion 20 is bordered at its forward end by an integrally formed guard rail 24 for guiding the containers as they drop on platform 22 and for holding the containers in the vertical presentment position prior to their being removed from the platform 22. The containers

roll toward the presentment position. Merl thus teaches away from sliding containers.

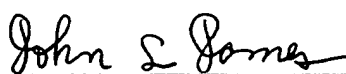
U.S. Patent No. 2,218,444 which issued 10/15/40 to Vineyard discloses a guard rail 11. Vineyard does not disclose how the guard rail 11 is attached but it is attached to the outside of the other structure. To be functional to stop forward motion of the bottles, the guard rail must be rigid. Rigid connection means welding since no other fasteners are present. The guard rail thus must be permanently connected instead of detachably attached as with the present invention.

U.S. Patent No. Des. 401,436 which issued 11/24/98 to discloses an elongate channel of one-piece construction and appears to be the same device described in U.S. Patent No. 5,645,176 which issued 07/08/97 to Jay.

U.S. Patent Pub. No. 2001/0020606 which published 09/13/01 to Battaglia et al discloses a track device with a front member 40 that pivots. The claims require first and second upstanding vertical members and an elongate connecting member connected to the top end portions of the vertical members. Battaglia et al do not disclose an elongate connecting member.

It is believed that the claims in the application are allowable over the prior art and that the application is in condition for immediate reissue.

Respectfully submitted,



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